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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twelfth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 3 May 1995, at 3 p.m.

Chairperson: Mr. ALSTON

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GE.95-16396 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS (agenda item 6) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Republic of Korea (continued) (E/1990/5/Add.19; E/C.12/1994/WP.11)

1. At the invitation of the Chairperson, Mr. Seung Ho, Mr. Yong-Dal Kim, Mr. Jai Gu Chang, Ms. In-Ja Hwang, Mr. Chang Ho Ahn, Mr. In-Taek Lim, Mr. Yang-Hyun Kim, Miss Ji-Hyun Kong and Mr. Keywon Cheong (Republic of Korea) took places at the Committee table.

2. The CHAIRPERSON invited the delegation of the Republic of Korea to respond to the questions raised in connection with issues Nos. 14 to 17 of the list of issues (E/C.12/199[illegible]/WP.11), relating to article 10 of the Covenant.

3. Mr. Seung HO (Republic of Korea), answering questions on children born out of wedlock, children born of mixed marriages, those born of foreign parents and adoption, said that his Government valued every individual as equal and therefore endeavoured to treat a child born out of wedlock as the equal of a child born of a legal marriage, both in terms of status and property. The Civil Code and the Family Registration Act barred any form of discrimination against children born out of wedlock. Children born of mixed marriages and those born of foreign parents faced no particular problems in any aspect of their lives and were considered in the same manner as children born of nationals of the Republic of Korea. All children, including children born out of wedlock, foundlings or stateless children, were guaranteed nationality under the Nationality Act. These measures applied to a person whose father was a national of the Republic of Korea at the time of his birth, a person whose father died before his birth and was a national of the Republic at the time of death and a person whose mother was a national of the Republic. In addition, a person born in the Republic of Korea of an unknown father or having no nationality, was a citizen of the Republic. However, a child born of a mother who was a national of the Republic and a father whose country followed the jus solis principle could be in the position of having no nationality.

4. Adoption, administered by the Civil Code and the Special Adoption Act, was classified as either domestic or inter-country adoption. Permission for adoption could be granted only if the adoption were deemed beneficial to the child.

5. In response to the question on disability raised in issue No. 15, he said disabled persons were considered to be the same as any other member of the family and society. There were various laws and institutions in the Republic of Korea which guaranteed the rights and equal opportunity of disabled persons. The 1977 Law for the Promotion of Special Education, the 1981 Welfare Law for Disabled Persons and the 1990 Law for the Promotion of Employment of Disabled Persons were among the measures taken by his Government. The Central Committee for the Welfare of Disabled Persons in the Ministry of Health and Welfare functioned as an advisory organization on the

welfare policy for disabled persons. Disabled persons received sympathy and help; they were considered neither a dishonour to their family nor were they lacking in status. Thirty-five laws, including the Food Hygiene Law and the Seamen Law, which previously restricted the licensing of disabled persons had been amended.

6. The 1988 Seoul Paraolympics had provided momentum for the enhancement of public awareness, concern for disabled persons and their status within society. Media campaigns and various cultural and sports events were held in collaboration with government agencies during Disabled Persons Day (20 April) and Disabled Persons Week. These activities allowed disabled persons to participate in social activities.

7. The education of disabled persons was enforced under the Education Law and the Law for the Promotion of Special Education which, revised in 1994, established the Central Deliberative Committee on Special Education within the Ministry of Education and, the Local Deliberative Committee on Special Education in each province, compulsory elementary and middle-school education, free-education at the kindergarten and high-school levels and compelled superintendents of educational institutions to provide the necessary measures to educate disabled children through special facilities in medical institutions or in the home.

8. Moving on to issue No. 16, on the question of discrimination against foreign workers, he said that, as of February 1995, the number of foreign workers in the Republic of Korea was estimated at about 87,000. That number included 5,440 technical workers with valid working visas and 52,000 workers who were undocumented. There were 29,500 foreign industrial trainees who held trainee visas. Article 5 of the Labour Standards Act prohibited discrimination against workers on the basis of sex, nationality, religion or social status. There was therefore no need to enact a specific law on discrimination against foreign workers. Moreover, the Government had recently extended compensation benefits for industrial accidents to undocumented foreign workers. There were also provisions for administrative guidance to safeguard the labour rights of those workers and to prevent the delayed payment of wages and other unfavourable treatment. Foreign industrial trainees with trainee visas had not been discriminated against in any way. Neither domestic trainees nor foreign trainees were eligible for the full privileges provided by the country's labour laws. In an effort to provide better working conditions for foreign trainees, however, the Government had taken steps to ensure appropriate policies on legal working hours, minimum wage, and medical and industrial accident insurance. Those measures had been reinforced on 1 March 1995.

9. Responding to questions on marital violence and the protection of women, he said that the actual number of acts of violence was in general difficult to estimate because of the lack of research into the matter and the taboos surrounding the admission of violence against women. A survey conducted by The Korean Institute of Criminology, reporting on domestic violence in Seoul, had stated that 45.3 per cent of the 640 women surveyed had been subjected to some form of violence within their marriage. His Government acknowledged that any form of violence against women was a violation of their human rights and had introduced measures for providing shelters and counselling services to

victims in conformity with the Mother-Child Welfare Act. The Government had established six such shelters in cities throughout the country and 122 counselling centres staffed by 376 counsellors.

10. The negative implications in terms of economic and social rights of the partial continuance of the "traditional patriarchal family" mentioned in paragraph 176 of the report (E/1990/5/Add.19), has no direct implications on family violence. A concerted effort had been made to remove the remaining negative elements of the patriarchal family system. To that end, as described in paragraph 177 of the report, the Civil Code had been amended and women were allowed to become the head of family.

11. The CHAIRPERSON invited the delegation to respond to the questions put at the 4th meeting.

12. Mr. Chang Ho AHN (Republic of Korea) referred to Mr. Rattray's question on the protection of foreign workers, and said paragraph 2, article 6 of the Constitution of the Republic of Korea guaranteed the status of aliens in accordance with international law and treaties. Article 2 of the Covenant bound States parties to guarantee the rights enunciated in the Covenant without discrimination of any kind. In the light of these two articles, it was clear that the rights of foreigners were legally guaranteed under the principle of equality and reciprocity as prescribed by international law. The basic rights related to the dignity and value of human beings and the right to seek happiness were regarded as human rights.

13. Miss Ji-Hyun KONG (Republic of Korea) said that she would endeavour to clarify the legal remedies available to women who had suffered discrimination. They were entitled to file for administrative litigation or appeal, to request reparations under the Civil Code and to file criminal suits. In cases where there were no relevant laws or legislation, victims of discrimination could appeal to the Government to implement specific legislation. When a woman suffered discrimination through the exercise or non-exercise of administrative agencies, or due to a case of legislation or non-legislation, she was eligible to file a constitutional petition. In addressing the issue on gender discrimination and recruitment, she said the Gender Equal Employment Act prohibited discrimination in recruitment practices. Violations of the Act were punishable under the Gender Equal Employment Act. She cited a case in which the Government had upheld the provisions of the Act against an enterprise that had been accused of hiring women on the basis of their physical appearance.

14. Since 1993, in order to improve the awareness of gender equality issues, her Government had conducted tours of industrial complexes to encourage debate with employers on equal employment opportunities. The Government intended to designate October each year Equal Employment Month in a publicity drive to raise awareness of the important issues and challenges facing the employment of women. Furthermore, the Government had called upon companies and enterprises to change discriminatory employment practices voluntarily and had planned to review the discriminatory regulations within enterprises. The review would be extended to all enterprises with more than 100 employees by 1997.

15. Ms. In-Ja HWANG (Republic of Korea) drew attention to the specific measures including education that had been introduced in order to eradicate a centuries-old pattern of discrimination. After examining the legal instruments to identify and remove all discriminatory elements, her Government had amended the family-related provisions in the Civil Code to improve the status of women in the family and the act on government officials. It had also enacted a nursery law for babies and infants and a special law concerning violence against women. As a result of those measures, de jure discrimination had been virtually eradicated. It was true that de facto discrimination against women still occurred in the guise of traditional cultural practices. Other measures had also been taken to improve the situation by strengthening the mandate of the Ministry for Political Affairs which was the national focal point for women and by designating specific women's focal points within 40 government agencies. A special committee for women's affairs had been established in the National Assembly and the Korean Women's Development Institute had been designated as the headquarters for the study of women's issues. The Government had also launched a national education programme to discourage discrimination, review restrictions on female admission to special universities, replace discriminatory practices in government personnel offices with new guidelines that promoted the employment of women in the public sector and reinforced the Gender Equal Employment Act.

16. Turning to Mrs. Jimenez Butragueño's question on gender equality, she said the Government had focused on improvements in legal and institutional areas in order to ensure equality between women and men. In 1988, on the initiative of the Minister of Political Affairs dealing with women's issues, certain measures to promote gender equality had been implemented. The measures included an education programme for government officials and teachers to dispel the gender-bias attitude inherent in the traditional culture, and social education programmes for women had been strengthened. The Government had granted financial and other assistance to women's organizations as a contribution to women's rights activities and had publicized women's issues through public advertising and information films in collaboration with women's organizations.

17. Also in association with women's organizations, the Government had launched a nationwide campaign to combat violence against women. Under the Penal Code, family violence, including wife beating, was subject to criminal penalties. Victims of battery could file for divorce and claim financial compensation for their suffering.

18. Mr. Jai Gu CHANG (Republic of Korea) noted that Mr. Rattray had also asked whether illegal foreign workers were being substituted for national workers to enable companies to avoid their legal obligations under the relevant labour laws. The labour market in the Republic of Korea was characterized by a shortage of labourers and the situation was particularly severe in certain small and medium-sized enterprises which were unable to recruit domestic workers. His Government therefore allowed the entry of foreign workers in the numbers required by the industrial sector and it was wholly committed to the protection of the workers' rights. Companies were categorically prohibited from recruiting undocumented foreign workers, particularly in order to relieve themselves of their legal obligations under the Republic's labour-related laws.

19. In answer to Mr. Texier's questions on the rights of workers, both legal and illegal, he said no country provided illegal workers with protection equivalent to that of legal workers. Since February 1994, however, his Government had extended the compensation benefits for industrial accidents to undocumented foreign workers on humanitarian grounds. Legal foreign workers who had work visas were allowed to bring their family members to the Republic of Korea.

20. Replying to questions from Mrs. Jimenez Butragueño, regarding a mandatory retirement age and the situation with regard to pensions, and from Mr. Grissa, who, noting that the Minimum Wage Act applied only to enterprises with more than 10 employees, had expressed concern about the situation in smaller enterprises, he said that the number of workers in the Republic of Korea currently exempt from the Act amounted to approximately 390,000, the majority being employed in enterprises with between 5 and 9 employees. Such workers were not, however, necessarily paid less than the minimum; although they were not legally protected, the Government had set out recommendations that they should receive the minimum wage. The Government was now endeavouring to improve the situation by reducing the number of workers exempt from the Act. As for retirement, he referred the Committee to the information supplied at the 4th meeting, contained in document E/C.12/1995/SR.4. With regard to pensions, he confirmed that it was possible to work and to draw a pension at the same time. As a rule, people who had joined the National Pension Programme were eligible to receive a pension, even if still employed, once they had worked for a minimum of 20 years. Those eligible under the Programme received between US$ 280 and US$ 980 per month, the minimum monthly cost of living being some US$ 250.

21. With regard to Mr. Texier's question relating to health and safety at work, he said that the relevant laws were the Industrial Safety and Health Act of 1981, the Act Relating to the Prevention of Pneumoconiosis and Protection of Pneumoconiosis Workers of 1984 and the Act of Establishment of Korea Industrial Safety Corporation of 1985. They gave clear stipulations as to the employers' obligations with regard to every aspect of safety and health at work. Other laws on the subject were the Fire Service Act, the Traffic Safety Act, the Atomic Control Act and the Mining Security Act. As for the specific case cited by Mrs. Jimenez Butragueño, the trainee concerned, Mr. Choon Ik Koh, had lost a third of his thumbnail and had been completely cured after a week's medical treatment. He had been granted US$ 600 for medical treatment and accepted US$ 6,400 in compensation from his employers. Such compensation was provided for under the Industrial Accident Compensation Insurance Act. Where the conditions of compensation were unacceptable, the individual could bring a civil suit against the employer. If the victim was dismissed on the basis of poor quality of work resulting from his injuries, the employer would be punished under the law for discriminatory dismissal.

22. With regard to Mr. Grissa's question relating to the sharp decline in the number of labour disputes, both legal and illegal, he recalled that prior to the democratization process which had begun in 1987, there had been a relatively small number of trade unions in his country. Since then, the number had increased rapidly. The new unions had been unfamiliar with the procedure of effective collective bargaining, with the result that initially there had been a large number of strikes. With greater experience of

collective bargaining, management-labour negotiations had been more effective and working conditions had improved, leading to a decrease in the number of strikes. As of 1992 132 working days per 1,000 people had been lost owing to strikes. In contrast, in Japan only 4.5 working days per 1,000 people had been lost and in the United Kingdom and France 24 and 25.5 working days respectively. He added that in 1994 the average annual wage of workers in the Republic of Korea was US$ 15,664.

23. Turning to Mr. Rattray's comment that he did not comprehend the legal regime regarding the right to strike and his query as to the existence of anti-union sentiment, he said that most legal experts believed that the right to strike might legitimately be restricted, so long as the essential aspects of such rights were not infringed. The Constitution and legislation thus provided for the minimum possible restriction of the right to collective action where necessary to preserve national security or protect public welfare. Given the sensitive political and security situation in his country, restrictions might have been expected to be tight. Vast improvements had, however, been made to enhance the rights of workers to collective bargaining and the right to strike in areas not relating to national security. For example, employers who did not respond to collective bargaining faced strict punishment and were prohibited from replacing striking workers. There was no history of anti-union sentiment in his country. Although employers had been hostile to unions in the early stages of industrialization, relations had been gradually improving. Most managements regarded unions positively and punishment for those employers who engaged in anti-union activity had become stricter.

24. Mr. Ahmed had asked, in reference to the Trade Union Act and the Civil Service Act, how the formation of teachers' unions could in any way comprise a threat to national security. Mr. Ceausu had in addition asked whether there were legal provisions obliging the authorities to seek public approval before passing legislation on teachers' unions. The answer was that teachers were regarded as public servants. Their authority was so great, they were so highly respected and the education of children was so highly valued that the general public was opposed to the formation of teachers' unions, since the public welfare was so closely involved. In 1991, the Constitutional Court had ruled that the restriction of teachers' union rights was not unconstitutional.

25. As for the question about the obligation on authorities to seek approval before passing legislation, he said that if the enactment of a law or a decree had a direct impact on people's daily lives, the content and objective of such laws had to be published in government newspapers and daily newspapers. Those affected were entitled to express their opinion by letter and in some cases public hearings could be held in order to accommodate the opinions of the people concerned.

26. The CHAIRPERSON invited comments from the Committee.

27. Mrs. JIMENEZ BUTRAGUEÑO said that she had not received a satisfactory answer to her question, which had concerned not legislative provisions against discrimination, but the existing situation with regard to discrimination, both de facto and de jure.

28. Mr. RATTRAY asked whether participation in a strike could be regarded by an employer as a repudiation by the employee of his contract of employment.

29. Mr. TEXIER said that he was not happy with the reply given to his question regarding accidents at work. He had asked not about legislation, but what was being done to reduce the number of such accidents. With regard to teachers' right to strike and engage in trade union activities, he understood their status in society, but surely to deny them trade union rights ran counter both to the Covenant and to the Constitution of the Republic of Korea. Lastly, he suggested that restrictions on the right to strike were sometimes so tight that they amounted to a prohibition of that right. He referred the delegation to the specific case he had raised earlier.

30. Mr. AHMED found unacceptable the argument to the effect that the Republic of Korea respected teachers so much that they were deprived of the right to strike. They were placed on such a pedestal that their actions could affect public order, whereas workers in the defence industry or public utilities were entitled to form unions. The answer was so worded as to hide the fact that discrimination existed, as he suspected the Government of the Republic of Korea itself recognized.

31. The CHAIRPERSON invited the Committee to ask questions in relation to article 10, in order to give the delegation of the Republic of Korea more time to answer the points that had already been raised.

32. Mr. CEAUSU said that from his reading of the report and from the written replies to questions he received the impression that the concern of the Republic of Korea for disabled people was focused mainly on assistance to those who could be rehabilitated or trained to learn a profession. He wished to know, however, what happened to those who could not be rehabilitated, but depended on support from their families. He inquired what support, if any, such families received from the State.

33. Mrs. VYSOKAJOVA asked whether there was any special body with responsibility for counselling disabled people. If no such body existed, she wished to know how they gained access to employment services.

34. Mr. GRISSA expressed alarm that a child born of a Korean mother and a father whose country followed the birthplace principle in determining nationality might itself have no nationality. The child was guiltless in those circumstances. Secondly, he asked why adoptions had fallen by nearly 10,000 between 1986 and 1990 in relation t. the previous five years, and since then had fallen still further to some 3,000 a year. Thirdly, he wondered whether he had understood correctly that citizens of the Republic of Korea were not allowed to adopt foreign children, although the reverse was the case. He also queried the assertion that children applied for adoption. Children surely lacked the awareness or ability to apply for adoption. He trusted that the offending phrase was merely a misuse of the English language. Lastly, he noted that as part of government protection programmes for victims of domestic violence, in accordance with the Mother-Child Welfare Act, 376 women counsellors were employed at counselling centres. He considered that in a country containing some 23 million women, of whom some 15 million were adult, the number of counsellors was completely inadequate.

35. Mr. ADEKUOYE, noting that a child born out of wedlock could not be discriminated against under the Civil Code, asked whether there was any provision to compel absent fathers to pay maintenance for their children.

36. Mr. ALVAREZ VITA said that from the remarks of the representative of the Republic of Korea it seemed that a mother could not transmit her nationality to her child. Apart from the harmful consequences that might arise, it also constituted another form of discrimination.

37. Mr. Seung HO (Republic of Korea) said, regarding issue No. 14 and the nationality of a child born of a mother who was a national of the Republic of Korea and a father who was a foreign national, that jus soli would apply, even though normally in his country nationality was derived through the father in accordance with jus sanguinis. Such a child was not automatically a national of the Republic of Korea at birth, but could later apply for naturalization without difficulty.

38. Mr. Chang Ho AHN (Republic of Korea) added that according to the Civil Code of the Republic of Korea, a child born out of wedlock could take its father's citizenship simply by being acknowledged by the father.

39. Mrs. JIMENEZ BUTRAGUEÑO said that she did not understand the information that had been given about opportunities for disabled people. The requisite legislation might exist, but her concern was whether there were any job quotas for disabled people, as there were in many other countries. There were many jobs in which disabled people could hold their own, like blind people who worked as telephonists. Elsewhere - in Paris, for example - paraplegics were provided with cars, enabling them to earn their own living. She asked the delegation to comment on the case of a street seller, disabled in a motor accident, who had immolated himself because he was unable to find work and support his family.

40. The CHAIRPERSON invited the delegation of the Republic of Korea to respond to matters raised in the list of issues (E/C.12/1994/WP.11), relating to article 11 of the Covenant.

41. Mr. Seung HO (Republic of Korea), replying to issue No. 18, said that the incidence of relative poverty had become a significant social problem in his country, partly because the nature of its economic growth had limited the fair distribution of wealth to the poor. The poverty line in the Republic of Korea in 1995 was US$ 3,000 and all those with income below that level - about 1,755,000, or 3.9 per cent of the total population - received public assistance. Anti-poverty programmes had had some effect, but greater efforts were still required to alleviate poverty. For statistical purposes, the poverty line was estimated by the sum of the minimum cost of a basket of 10 items including food and drink, housing, expenditure on light, heat and water, furniture and utensils, clothing and footwear, medical care, education, culture and recreation, transport and communication and other consumption.

42. On issue No. 19, he said that the Government's way of dealing with the problem of the urban housing shortage was to build between 550,000 and 600,000 dwellings a year in the mainly urban areas of his country. As well as constructing complexes for commercial and dwelling purposes,

the Government's policy was to remodel existing low-quality dwellings and to rebuild old houses. The primary victims of the housing shortage were people whose accommodation was on a short-term basis. Those within the capital, where the population was most highly concentrated, were suffering most from high rents.

43. In response to issue No. 20, he said that it was the opinion of the Government that the establishment of minimum dwelling standards was both desirable and necessary in order to improve future housing levels. It was ready to consider adopting such standards.

44. Regarding issue No. 21 concerning prosecutions for illegal forced evictions by landlords (para. 270 of the report), he said that the Civil Code dealt with such matters. After successfully bringing a civil suit, a landlord was entitled to evict a tenant forcibly when the lease expired if the latter did not move voluntarily. In cases where the landlord committed an act of violence in the process of a forced eviction, he would be prosecuted under criminal law for the commission of crimes of violence, injury or actual compulsion.

45. Mr. TEXIER said that he was interested in knowing about any mass evictions carried out for some public purpose. For instance, a non-governmental organization, Habitat International Coalition, had informed the Committee that at the time of the Seoul Olympics, 720,000 people had been evicted, and it would be interesting to know what had happened to those people. That same organization said that 16,000 others had been evicted since February 1992, and, according to local tenant groups, 4,000 evictions had taken place in 1994. Explanations should be given as to why so many people were being evicted, and how they had been relocated.

46. Mr. WIMER ZAMBRANO asked whether there were any plans to increase the legal minimum house size from the stipulated 25.5 metres as of 1990. Even in a country like Panama, which was only fairly well developed, a bill was under consideration to raise the minimum area to at least 36 or 42 square metres.

47. Mr. RATTRAY, noting that shelter was a component of the question of poverty, asked what percentage of the new housing built or remodelled each year was allocated, if at all, to the almost 2 million officially listed as living below the poverty line; and whether any preference was given to them.

48. Mrs. JIMENEZ BUTRAGUEÑO asked for more information on the criteria for assigning public housing.

49. Mr. Seung HO (Republic of Korea) explained that the 1990 figure of 25.5 referred not to metres but to a measurement used in the Republic of Korea that was equivalent to 3.3 metres, so that the legal minimum area actually came to 84 or 85 square metres.

50. Ms. In-Ja HWANG (Republic of Korea), responding to questions about discrimination against women raised at earlier meetings, said that the recent revision of the Civil Code had been one of the Government's efforts to reduce the gap in de jure and de facto equality between men and women, although women's groups were agitating for further revisions to remove the remaining

gender bias in the laws. As usual, in her country when it was the wish of the people, the legislation would be amended, at some time in the future. In the meantime, the Government was seeking to root out gender bias.

51. The figure of 376 that had been given for the number of women counsellors represented only the women officially employed by the Government who staffed public counselling centres for women. In addition, there were many social workers working in numerous private women's centres across the country, some of them sponsored by non-governmental organizations, providing social welfare services, including counselling by women to women victims of abuse or discrimination. The Government had now begun to support the activities of those private groups.

52. Mr. Seung HO (Republic of Korea), reverting to the discussion at the 4th meeting as to why teachers' unions were prohibited in his country, said that the law did not provide for such an eventuality. The principle that was involved hinged on traditional values and society's view of what was seen as a very dignified profession. A distinction was made between workers and teachers, and it was generally accepted that the right to association was appropriate for manual workers but not for intellectuals, even when the manual workers were involved in defence work. To a citizen of the Republic of Korea, the difference was clear and natural, and he asked the Committee to make an effort to understand that state of affairs. Of course, traditional views were slowly changing and the legislation would slowly be modernized but, despite the urging of some non-governmental organizations and some teachers themselves, most Koreans did not want an immediate revision of the prohibition of the unionization of teachers. Even while admitting that a change would be to the good, one must bear in mind every aspect of the community and society in the Republic of Korea.

53. Mr. GRISSA said that the delegation's argument was a very difficult one to accept, and he could not understand the plea for indulgence towards a conspiracy against unfortunate teachers who could not even defend their own interests. He wondered whether there had been any actual referendum on the question. In any case, it should be noted that teachers' unions - and in Tunisia, his own country, they were among the oldest of the unions - were generally less aggressive than, for instance, unions in the transport sector, and represented less of a disruptive force.

54. Mrs. JIMENEZ BUTRAGUEÑO asked whether teachers had any other means of expressing themselves, or whether they must remain oppressed by tradition.

55. Mr. RATTRAY pointed out that no one was arguing that teachers should be compelled, against their own cultural views, to join a trade union, but only that the prohibition against their doing so should be removed. The issue at stake was the exercise of a democratic free choice to join a trade union made by a majority of teachers in a secret ballot.

56. Mr. Jai Gu CHANG (Republic of Korea), responding to questions raised on the right to strike, said that strikers in his country had the best protection in the world against the risk of losing their jobs if they did so: even where the International Labour Organization (ILO) Committee on Freedom of Association sanctioned temporary replacement of strikers provided workers were

not laid off, the Republic of Korea prohibited even that practice. In other countries - the United States, for instance, or the United Kingdom - it should be noted that lay-offs and replacements were common.

57. Korea was the only divided country left in the world, and the nuclear threat posed by the North Korean regime against his country was so serious, amounting to a constant risk of war, that the right to strike could not be given the same latitude as in other countries not in such a predicament.

58. The Republic of Korea had no more restrictions on the right to strike than many other countries. Such restrictions were intended to prevent violence and ensure the maintenance of safety facilities, and were recognized by the ILO. Furthermore, the ILO Freedom of Association Committee had acknowledged that certain procedures needed to be followed before strike action was taken, such as conciliation and mediation procedures.

59. Restrictions were also applied under emergency adjustment provisions, in accordance with the Labour Dispute Adjustment Act. Those provisions could be involved when the national economy or the daily life of the public was put at risk, as in the case of the recent risk of war from the north, when the provisions had had to be invoked on two occasions.

60. A country's entire system of labour relations could not be appreciated from an examination of special restrictions alone. Like other countries, the Republic of Korea based its system on democratic principles and, as in other countries, the system had its own characteristics resulting from the nation's political code and its economic and social circumstances. The Committee should therefore look at the labour relations system as a whole.

61. In reply to Mr. Ahmed's question on teachers' unions, he reiterated that the Republic of Korea placed the greatest value on children's education.

62. Mr. Yong-Dal KIM (Republic of Korea), referring to Mr. Texier's questions on industrial accidents, said that his Government was making efforts to reduce industrial accidents by introducing new legislative measures at various levels, such as the establishment of protection standards on 19 types of highly-dangerous machines and giving appropriate guidance to industrial enterprises. It also placed great emphasis on instruction on machinery protection systems and safety and health management systems in industrial enterprises for workers and employers. It had also set up a special fund to reduce industrial accidents in small and medium-sized enterprises and in cooperatives. An industrial health campaign had been implemented in conjunction with the media and, as a result of all the measures taken, the rate of industrial accidents was falling year by year.

63. Mr. Yang-Hyun KIM (Republic of Korea), replying to questions on the disabled, said that the employment of disabled persons was governed by article 34 of the Employment Promotion Act, which stated that companies should endeavour to employ not less than 2 per cent of disabled persons.

64. Mr. In-Taek LIM (Republic of Korea) added that his Government was becoming increasingly aware of the needs of the disabled and was making great efforts to help them.

65. Amongst other things, it was attempting to expand its welfare facilities and institutions to improve the quality of the programmes which provided comprehensive protection for persons with severe and multiple disabilities. It had also implemented measures to improve the quality of life of the disabled including welfare allowances to enable them to be self-supporting, medication, aids and appliances, medical aids and all medical expenses, tax benefits and the establishment of comprehensive and special welfare centres. The functions of those centres included rehabilitation, counselling, training and social services.

66. Efforts were also being made to enable disabled persons to participate in social activities, including special facilities on roads and in public buildings. A national rehabilitation and medical centre had also been set up for the disabled.

67. His delegation had been shocked to learn of the disabled person so badly treated following a car accident. The citizens of his country viewed such matters most severely and imposed severe punishments in such cases.

68. His Government had successfully implemented a family planning programme some years earlier. It would, however, submit more information in writing.

69. Mr. Keywon CHEONG (Republic of Korea), replying to questions raised by Mr. Grissa on adoption, said that the reason for the decline in the number of adoptions in the 1990s was due to the success of a programme implemented in the 1980s and early 1990s, and to the application of the principle of the best interests of the child. His Government believed that success in reducing population growth was a prerequisite for social development, but rather than providing contraceptive facilities alone, it aimed to bring about a change of attitude in society and in the economic status of women. The success of the family planning programme had brought the birth rate down to 2.1 per cent in 1983 and to 1.5 per cent in 1991. The number of children born out of wedlock had thus been sharply reduced.

70. The Government's policy on children, furthermore, was based on the principle that parents should bear the main responsibility for their children's maintenance and upbringing. Parents were considered to be the most important persons in a child's life, and they received considerable community support. Every effort was made to ensure that children were born and brought up in a family environment, which was considered to be essential for their healthy growth and development. However, because many parents were unable to provide such an environment, the number of child-care institutions had been increased in the 1990s. In 1993, 2,900 children had been placed in residential care.

71. The CHAIRPERSON invited the delegation to take up issues Nos. 22 to 24 of the list of issues, relating to article 12 of the Covenant.

72. Mr. Seung HO (Republic of Korea), referring to issue No. 22, said that, legally and practically, the Constitution's recognition of the right to a healthy and pleasant environment (para. 280 of the report) guaranteed citizens an environment that provided a good quality of life and not simply freedom from pollution. If the Government infringed that right, various remedies were

available, including petition, administrative litigation, appeals and State compensation. If private persons infringed the right, victims could bring civil suits. An illustration of the practical implications was the Pusan University case referred to at a previous meeting in connection with issue No. 2.

73. Turning to issue No. 23 concerning the quality of health care for the disadvantaged (para. 352 of the report), he noted that, in 1977, the Medical Assistance Programme had been established for those unable to pay for medical care: those below the poverty line and unable to work (Class I) received free medical services; and low-income workers (Class II) received 80 per cent of hospital costs and a small lump-sum for outpatient expenses. One of the shortcomings of the system, however, was that the premium-rate reimbursement to hospitals designated to care for patients covered under the medical insurance system, as against the flat-fee reimbursement to the far fewer hospitals designated to serve recipients of medical assistance, reduced the access of the indigent to medical services. The Ministry of Health and Welfare had made efforts to improve the situation and the number of hospitals for recipients of medical assistance had risen from about 9,000 in 1988 to about 25,000 in 1994. Another problem to be overcome was the weakness of public-sector health services. The Republic's health-care system depended heavily on the private sector, which focused mainly on cure rather than prevention and thus did not respond properly to the prevailing health problems of the elderly, the mentally disabled or the chronically ill. Placing a high priority on improving the quality of health services, especially in the public health sector, his Government was planning to implement the Health Care Management Act for the Aged.

74. As to issue No. 24 concerning assessments of the economic and social costs of environmental damage in major industrial areas, his Government had been conducting continuous studies on the levels of air, water, ocean and noise pollution in major cities and industrial areas. Any which had incurred severe environmental damage were designated as "special protection areas" eligible for urgent measures such as stricter emission controls, sewage system improvements and prohibition of further factory construction. Thus far, only the Ulsan-Onsan Industrial Complex, the largest in the country, had been designated as a special protection area. A study done in 1984 on the economic and social costs resulting from environmental damage there had revealed that residential areas as well as farm land and fishing grounds had been polluted. The Government response had been to relocate residents to safer places, to provide compensation for damaged land and fishing grounds, and to take steps to make the Complex once again an environmentally safe zone.

75. Mrs. BONOAN-DANDAN asked with regard to health care, what fertility-control programmes the Government had in place. Also noting that nothing had been said in the report about the growing AIDS problem, she said that some statistics, and information on the Government's AID strategies, would be welcome.

76. Mr. Seung HO (Republic of Korea) said that his delegation had endeavoured to produce the best possible answers for the Committee. That had taken a good deal of time mainly because of the linguistic difficulties involved. A number of issues were still outstanding, such as those on evictions and the housing

of poor people. They were major issues for the Government, which did its best to resolve them. He was not in a position at present to provide any statistical data or details of measures being implemented but would submit written replies at a later stage, if the Committee so agreed.

77. The CHAIRPERSON assured the delegation of the Republic of Korea that the Committee fully appreciated the linguistic difficulties involved and was grateful to the delegation for its efforts to work in one of the working languages of the United Nations.

78. The responsibility rested with the delegation to provide whatever replies it thought appropriate in response to the questions raised. The Committee would make its own assessment of the responses and the report the following week and would be happy to receive any additional information in writing, within the next few days if possible, which would help it in its deliberations. He invited the Committee to raise any matters not already taken care of in the delegation's replies.

79. Mr. GRISSA said that the written replies, generally speaking, were not sufficiently detailed. In the Republic of Korea, because primary education was compulsory, all children went to school, but at high school level, education was not free of charge and there appeared to be a consequent decline in attendance, undoubtedly mostly among females. In that sense discrimination was practised. The tables provided showed clearly that, according to 1994 data, females accounted on average for only 31 per cent of the total university population, whereas in most countries, including very poor countries, the proportions of male and female students were very close. That "discrimination" affected all kinds of disciplines - in some cases the proportion of females fell to 15 per cent or less - and accounted for the considerable discrepancy in income between males and females, as the females were mostly employed in the poorly paid jobs.

80. According to data provided by NGOs, 60 per cent of the female labour force in the Republic of Korea worked in industrial enterprises employing less than 10 people. They were consequently not covered by minimum wage and other protective legislation. The most important factor which determined equality between people and between the sexes was education. Unless there was equal opportunity in education, there would be no equal opportunity in other areas. He asked the delegation to supply data on attendance by both sexes in primary, high school and university establishments.

81. Mrs. BONOAN-DANDAN said that no breakdown had been given for the levels of expenditure for public and private universities, referred to in paragraph 466 of the report (E/1990/5/Add.19). She therefore wondered what education in a private university might cost as compared with education in a public university.

82. She also asked for an explanation for the large influx of students from the Republic of Korea looking for educational opportunities in other Asian countries. The numbers now looking for university places in Manila was unprecedented and an explanation of the situation in the Republic of Korea and further information on the country's university admission policies would be most helpful to the Committee.

83. Mr. Seung HO (Republic of Korea) said that his delegation would submit further details in written form.

84. On the question of education, translation errors might be responsible for conveying the wrong impression. In his country, higher education referred to universities, while high schools were secondary schools. Ninety-eight per cent of girl students who completed primary school went on to high school.

85. In conclusion, he said that there was great competition for university places in his country; that situation was causing serious problems.

86. The CHAIRPERSON said that the Committee had concluded its current stage of consideration of the report and would rely for the remainder on any written responses provided by the delegation. The next phase would be a discussion by the Committee in a closed meeting to adopt its concluding observations. Those observations would be made public on the last day of the Committee's session (19 May 1995) at approximately 1 p.m.

87. He thanked the delegation of the Republic of Korea for its cooperation and the many replies provided, which had considerably helped the dialogue and had given the Committee a better understanding of the situation. The Committee looked forward to further cooperation in the future.

The meeting rose at 6.05 p.m.